

**MONDAY, FEBRUARY 9, 2004**  
**FIFTY-EIGHTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Dr. Michael A. Smith of First Baptist Church in Murfreesboro, Tennessee, a guest of Senator Trail.

**PLEDGE OF ALLEGIANCE**

Senator Burks led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 28

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

**COMMUNICATIONS**

**MEMORANDUM**

**TO:** Lt. Governor John Wilder

**FROM:** Senator Roscoe Dixon

**DATE:** February 6, 2004

**RE:** Excused From Session

I am requesting permission to be excused from Session for Monday, February 9, 2004 and Tuesday, February 10, 2004 because of urgent personal business.

Your consideration to this matter will be greatly appreciated.

**APPROVED:** Lieutenant Governor  
John S. Wilder

**MONDAY, FEBRUARY 9, 2004 -- 58TH LEGISLATIVE DAY**

February 9, 2004

Lt. Governor John S. Wilder  
1 Legislative Plaza  
Nashville, TN 37243

Dear Governor Wilder:

Please excuse me from Session today, Monday, February 9, 2004 at 5 p.m. I will not be able to attend.

Sincerely,

/s/ Doug Jackson

APPROVED: Lieutenant Governor  
John S. Wilder

TO: Lt. Governor John Wilder

FROM: Senator Steve Cohen

DATE: February 9, 2004

RE: Attendance at Session

Please excuse me from Session today. My flight from Los Angeles to Nashville was grounded due to mechanical problems and I was delayed for several hours from getting a flight here.

APPROVED: Lieutenant Governor  
John S. Wilder

**INTRODUCTION OF BILL**

The Speaker announced that the following bill was filed for introduction and passed first consideration:

**Senate Bill No. 3462** by Senator Kurita.

Montgomery County -- Subject to local approval, authorizes county to impose adequate facilities tax.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2230** -- Union County -- Subject to local approval, increases the salary of the Union County highway commissioners from \$20.00 per meeting to \$200 per month. Amends Chapter 154 of the Private Acts of 1943, as amended by Chapter 221 of the Private Acts of 1976 and any other laws amendatory thereto.

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**House Bill No. 2604** -- Wayne County -- Subject to local approval, imposes \$30.00 wheel tax.

**SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 3205** -- Caption Bill -- held on Clerk's desk pending filing of amendment.

**Senate Bill No. 3206** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3207** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3208** referred to Committee on Judiciary.

**Senate Bill No. 3209** referred to Committee on Judiciary.

**Senate Bill No. 3210** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3211** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3212** referred to Committee on State and Local Government.

**Senate Bill No. 3213** referred to Committee on Government Operations.

**Senate Bill No. 3214** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3215** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3216** referred to Committee on Education.

**Senate Bill No. 3217** referred to Committee on Judiciary.

**Senate Bill No. 3218** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3219** referred to Committee on State and Local Government.

**Senate Bill No. 3220** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3221** held on desk.

**Senate Bill No. 3222** referred to Committee on Education.

**Senate Bill No. 3223** referred to Committee on Education.

**Senate Bill No. 3224** referred to Committee on State and Local Government.

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**Senate Bill No. 3225** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3226** referred to Committee on Judiciary.

**Senate Bill No. 3227** referred to Committee on State and Local Government.

**Senate Bill No. 3228** referred to Committee on Judiciary.

**Senate Bill No. 3229** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3230** referred to Committee on State and Local Government.

**Senate Bill No. 3231** referred to Committee on Transportation.

**Senate Bill No. 3232** referred to Committee on Transportation.

**Senate Bill No. 3233** referred to Committee on State and Local Government.

**Senate Bill No. 3234** referred to Committee on Government Operations.

**Senate Bill No. 3235** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3236** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3237** referred to Committee on Judiciary.

**Senate Bill No. 3238** referred to Committee on State and Local Government.

**Senate Bill No. 3239** referred to Committee on Education.

**Senate Bill No. 3240** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3241** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3242** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3243** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3244** referred to Committee on State and Local Government.

**Senate Bill No. 3245** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3246** referred to Committee on State and Local Government.

**Senate Bill No. 3247** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3248** referred to Committee on Commerce, Labor and Agriculture.

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**Senate Bill No. 3249** referred to Committee on Judiciary.

**Senate Bill No. 3250** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3251** referred to Committee on State and Local Government.

**Senate Bill No. 3252** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3253** held on desk.

**Senate Bill No. 3254** referred to Committee on Judiciary.

**Senate Bill No. 3255** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3256** referred to Committee on State and Local Government.

**Senate Bill No. 3257** referred to Committee on State and Local Government.

**Senate Bill No. 3258** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3259** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3260** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3261** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3262** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3263** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3264** referred to Committee on Education.

**Senate Bill No. 3265** held on desk.

**Senate Bill No. 3266** referred to Committee on Education.

**Senate Bill No. 3267** referred to Committee on State and Local Government.

**Senate Bill No. 3268** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3269** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3270** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3271** referred to Committee on State and Local Government.

**Senate Bill No. 3272** referred to Committee on Judiciary.

**Senate Bill No. 3273** referred to Committee on Transportation.

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**Senate Bill No. 3274** referred to Committee on Transportation.

**Senate Bill No. 3275** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3276** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3277** referred to Committee on State and Local Government.

**Senate Bill No. 3278** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3279** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3280** referred to Committee on Judiciary.

**Senate Bill No. 3281** referred to Committee on State and Local Government.

**Senate Bill No. 3282** referred to Committee on Judiciary.

**Senate Bill No. 3283** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3284** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3285** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3286** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3287** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3288** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3289** referred to Committee on Transportation.

**Senate Bill No. 3290** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3291** referred to Committee on State and Local Government.

**Senate Bill No. 3292** referred to Committee on Transportation.

**Senate Bill No. 3293** referred to Committee on State and Local Government.

**Senate Bill No. 3294** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3295** referred to Committee on Judiciary.

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**Senate Bill No. 3296** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3297** referred to Committee on Education.

**Senate Bill No. 3298** referred to Committee on Education.

**Senate Bill No. 3299** referred to Committee on Education.

**Senate Bill No. 3300** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3301** referred to Committee on State and Local Government.

**Senate Bill No. 3302** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3303** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3304** referred to Committee on Judiciary.

**Senate Bill No. 3305** referred to Committee on Education.

**Senate Bill No. 3306** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3307** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3308** referred to Committee on Judiciary.

**Senate Bill No. 3309** referred to Committee on Judiciary.

**Senate Bill No. 3310** referred to Committee on State and Local Government.

**Senate Bill No. 3311** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3312** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3313** held on desk.

**Senate Bill No. 3314** referred to Committee on Transportation.

**Senate Bill No. 3315** referred to Committee on Judiciary.

**Senate Bill No. 3316** referred to Committee on Judiciary.

**Senate Bill No. 3317** referred to Committee on Judiciary.

**Senate Bill No. 3318** referred to Committee on Judiciary.

**Senate Bill No. 3319** referred to Committee on General Welfare, Health and Human Resources.

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**Senate Bill No. 3320** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3321** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3322** referred to Committee on Judiciary.

**Senate Bill No. 3323** referred to Committee on Transportation.

**Senate Bill No. 3324** referred to Committee on Judiciary.

**Senate Bill No. 3325** referred to Committee on State and Local Government.

**Senate Bill No. 3326** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3327** referred to Committee on Judiciary.

**Senate Bill No. 3328** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3329** held on desk.

**Senate Bill No. 3330** held on desk.

**Senate Bill No. 3331** referred to Committee on Judiciary.

**Senate Bill No. 3332** referred to Committee on State and Local Government.

**Senate Bill No. 3333** held on desk.

**Senate Bill No. 3334** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3335** referred to Committee on Judiciary.

**Senate Bill No. 3336** referred to Committee on State and Local Government.

**Senate Bill No. 3337** referred to Committee on Transportation.

**Senate Bill No. 3338** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3339** referred to Committee on Education.

**Senate Bill No. 3340** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3341** referred to Committee on Judiciary.

**Senate Bill No. 3342** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3343** referred to Committee on State and Local Government.

**Senate Bill No. 3344** referred to Committee on Finance, Ways and Means.



**Senate Bill No. 3345** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3346** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3347** held on desk.

**Senate Bill No. 3348** held on desk.

**Senate Bill No. 3349** referred to Committee on Education.

**Senate Bill No. 3350** referred to Committee on Government Operations.

**Senate Bill No. 3351** referred to Committee on State and Local Government.

**Senate Bill No. 3352** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3353** referred to Committee on State and Local Government.

**Senate Bill No. 3354** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3355** referred to Committee on Judiciary.

**Senate Bill No. 3356** referred to Committee on Education.

**Senate Bill No. 3357** referred to Committee on Transportation.

**Senate Bill No. 3358** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3359** referred to Committee on Transportation.

**Senate Bill No. 3360** referred to Committee on Transportation.

**Senate Bill No. 3361** referred to Committee on State and Local Government.

**Senate Bill No. 3362** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3363** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3364** referred to Committee on Judiciary.

**Senate Bill No. 3365** referred to Committee on Judiciary.

**Senate Bill No. 3366** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3367** referred to Committee on Judiciary.

**Senate Bill No. 3368** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3369** referred to Committee on Transportation.

**Senate Bill No. 3370** referred to Committee on Finance, Ways and Means.

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**Senate Bill No. 3371** referred to Committee on Transportation.

**Senate Bill No. 3372** referred to Committee on Judiciary.

**Senate Bill No. 3373** referred to Committee on State and Local Government.

**Senate Bill No. 3374** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3375** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3376** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3377** referred to Committee on State and Local Government.

**Senate Bill No. 3378** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3379** referred to Committee on Education.

**Senate Bill No. 3380** referred to Committee on Education.

**Senate Bill No. 3381** referred to Committee on State and Local Government.

**Senate Bill No. 3382** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3383** referred to Committee on Transportation.

**Senate Bill No. 3384** referred to Committee on State and Local Government.

**Senate Bill No. 3385** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3386** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3387** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3388** referred to Committee on Judiciary.

**Senate Bill No. 3389** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3390** referred to Committee on Judiciary.

**Senate Bill No. 3391** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3392** -- Caption Bill -- held on Clerk's desk pending filing of amendment.

**Senate Bill No. 3393** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3394** -- Caption Bill -- held on Clerk's desk pending filing of amendment.

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**Senate Bill No. 3395** referred to Committee on Education.

**Senate Bill No. 3396** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3397** referred to Committee on Education.

**Senate Bill No. 3398** referred to Committee on Transportation.

**Senate Bill No. 3399** referred to Committee on Judiciary.

**Senate Bill No. 3400** referred to Committee on Transportation.

**Senate Bill No. 3401** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3402** referred to Committee on Transportation.

**Senate Bill No. 3403** referred to Committee on Transportation.

**Senate Bill No. 3404** referred to Committee on State and Local Government.

**Senate Bill No. 3405** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3406** referred to Committee on State and Local Government.

**Senate Bill No. 3407** referred to Committee on Government Operations.

**Senate Bill No. 3408** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3409** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3410** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3411** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3412** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3413** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3414** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3415** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3416** referred to Committee on Judiciary.

**Senate Bill No. 3417** referred to Committee on State and Local Government.

**Senate Bill No. 3418** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3419** referred to Committee on Finance, Ways and Means.

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**Senate Bill No. 3420** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3421** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3422** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3423** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3424** -- Caption Bill -- held on Clerk's desk pending filing of amendment.

**Senate Bill No. 3425** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3426** referred to Committee on Judiciary.

**Senate Bill No. 3427** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3428** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3429** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3430** referred to Committee on Transportation.

**Senate Bill No. 3431** -- Caption Bill -- held on Clerk's desk pending filing of amendment.

**Senate Bill No. 3432** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3433** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3434** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3435** referred to Committee on Education.

**Senate Bill No. 3436** referred to Committee on State and Local Government.

**Senate Bill No. 3437** referred to Committee on State and Local Government.

**Senate Bill No. 3438** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3439** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3440** referred to Committee on Judiciary.

**Senate Bill No. 3441** referred to Committee on Judiciary.

**Senate Bill No. 3442** referred to Committee on Transportation.

**Senate Bill No. 3443** referred to Committee on Judiciary.

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**Senate Bill No. 3444** referred to Committee on Education.

**Senate Bill No. 3445** referred to Committee on State and Local Government.

**Senate Bill No. 3446** referred to Committee on Education.

**Senate Bill No. 3447** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3448** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3449** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3450** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3451** referred to Committee on Judiciary.

**Senate Bill No. 3452** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3453** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3454** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3455** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 3456** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3457** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 3458** referred to Committee on Transportation.

**Senate Bill No. 3459** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 3460** referred to Committee on Environment, Conservation and Tourism.

**Senate Bill No. 3461** referred to Committee on Finance, Ways and Means.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 737** by Senator Kilby.  
Memorials, Recognition -- Mr. Stonney Ray Lane.

**Senate Joint Resolution No. 738** by Senator Harper.  
Memorials, Recognition -- Nashville Rotary Club.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 821** -- Memorials, Personal Achievement -- Jonathan Moss, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 821 to Committee on Calendar.

**House Joint Resolution No. 822** -- Memorials, Personal Achievement -- Kevin Hobbs, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 822 to Committee on Calendar.

**House Joint Resolution No. 823** -- Memorials, Personal Achievement -- Nicholas Paul Chapin, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 823 to Committee on Calendar.

**House Joint Resolution No. 824** -- Memorials, Personal Achievement -- Samuel Wantland, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 824 to Committee on Calendar.

**House Joint Resolution No. 826** -- Memorials, Public Service -- Glynn Blanton.

The Speaker announced that he had referred House Joint Resolution No. 826 to Committee on Calendar.

**House Joint Resolution No. 831** -- Memorials, Public Service -- Jonathan Douglass Reid.

The Speaker announced that he had referred House Joint Resolution No. 831 to Committee on Calendar.

**House Joint Resolution No. 832** -- Memorials, Personal Occasion -- Eulas Sargent, 87th birthday.

The Speaker announced that he had referred House Joint Resolution No. 832 to Committee on Calendar.

**House Joint Resolution No. 833** -- Memorials, Professional Achievement -- Tracy Hoilman, TDE 2004 Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 833 to Committee on Calendar.

**House Joint Resolution No. 834** -- Memorials, Death -- Thomas Arthur McNabb.

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The Speaker announced that he had referred House Joint Resolution No. 834 to Committee on Calendar.

**Senate Joint Resolution No. 730** -- Memorials, Public Service -- William L. "Bill" Ray.

The Speaker announced that he had referred Senate Joint Resolution No. 730 to Committee on Calendar.

**Senate Joint Resolution No. 731** -- Memorials, Death -- Virginia Jones.

The Speaker announced that he had referred Senate Joint Resolution No. 731 to Committee on Calendar.

**Senate Joint Resolution No. 732** -- Memorials, Death -- Deloris J. (Dee) Francis.

The Speaker announced that he had referred Senate Joint Resolution No. 732 to Committee on Calendar.

**Senate Joint Resolution No. 733** -- Constitutional Amendments -- Guarantees qualified voters the right to recall county officers, judicial officers and other elected civil officers; requires number of voters to equal 25 percent of votes cast in last election of public officer to petition for recall; grants general assembly authority to enact laws to implement provisions.

The Speaker announced that he had referred Senate Joint Resolution No. 733 to Committee on Judiciary.

**Senate Joint Resolution No. 734** -- General Assembly, Directed Studies -- Encourages state board of education to review required tests for teacher licensure.

The Speaker announced that he had referred Senate Joint Resolution No. 734 to Committee on Education.

**Senate Joint Resolution No. 735** -- Memorials, Death -- William Slayden, II, Colonel, United States Army, Retired.

The Speaker announced that he had referred Senate Joint Resolution No. 735 to Committee on Calendar.

**Senate Joint Resolution No. 736** -- Memorials, Heroism -- Private Justin E. Curtis, recipient of Purple Heart.

The Speaker announced that he had referred Senate Joint Resolution No. 736 to Committee on Calendar.

**Senate Resolution No. 120** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 120 to Committee on Judiciary.

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**Senate Resolution No. 121** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure.

The Speaker announced that he had referred Senate Resolution No. 121 to Committee on Judiciary.

**Senate Resolution No. 122** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of juvenile procedure promulgated by the supreme court.

The Speaker announced that he had referred Senate Resolution No. 122 to Committee on Judiciary.

**CONSENT CALENDAR NO. 1**

**House Joint Resolution No. 752** -- Memorials, Retirement -- David Wilson.

**Senate Joint Resolution No. 719** -- Memorials, Congratulations -- Wilson County Fair, 2003 Champion of Champions Award.

**Senate Joint Resolution No. 720** -- Memorials, Recognition -- Buddy Patey.

**Senate Joint Resolution No. 725** -- Memorials, Personal Occasion -- Mark and Sharon Cawood, wedding.

**Senate Joint Resolution No. 726** -- Memorials, Death -- Robert Bibb Frost, Sr.

**Senate Joint Resolution No. 727** -- Memorials, Death -- Edwin Court Huster, Jr.

**Senate Resolution No. 119** -- Memorials, Professional Achievement -- Michelle B. Marrs, *Urban Journal's* Person of the Year.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes ..... 27  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, February 11, 2004, pursuant to Rule 38: **Senate Bill No. 2681**.

**Senate Bill No. 2397** -- Sunset Laws -- Great Smoky Mountains park commission, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 19.



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**Senate Bill No. 2401** -- Sunset Laws -- Public livestock market board, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 44, Chapter 12.

**Senate Bill No. 2404** -- Sunset Laws -- Interstate compact on mental health, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 9.

**Senate Bill No. 2432** -- Private Protective Services -- Permits state or local correctional officer who has completed basic correctional training program and who is current on annual refresher courses to be issued "unarmed security guard/officer" registration card without completion of the required training for such card. Amends TCA Title 62, Chapter 35, Part 1.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 2224** -- Notary Public -- Requires stamp used to imprint seal of office to be primary, secondary or tertiary color other than yellow or black, and to be clearly legible and appear as black when photocopied. Amends TCA Title 8, Chapter 16.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the second sentence of the amendatory language of Section 1(b) and by substituting instead the following:

Such stamp shall imprint the seal of office in a color, other than black or yellow; provided, however, the color used to imprint the seal must be clearly legible and must appear as black when photocopied.

On motion, Amendment No. 1 was adopted.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 2**

AMEND Section 2 to change the effective date to January 1, 2005.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Thereupon, **Senate Bill No. 2224**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2329** -- Unemployment Compensation -- Provides that certain individuals, who are deemed by the IRS not to be employees of certain firms for purposes of certain federal statutes, shall not be deemed to be employees of such firms for purposes of the Tennessee employment security law. Amends TCA Title 50, Chapter 7.

Senator Cooper moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the language "shall such individuals shall be" from the amendatory language of Section 1 and by substituting instead the language "shall such individuals be".

On motion, Amendment No. 1 was adopted.

Senator Cooper moved that **Senate Bill No. 2329**, as amended, be placed on the calendar for Thursday, February 12, 2004, which motion prevailed.

**Senate Bill No. 2614** -- Local Education Agency -- Provides for granting of diplomas to veterans of the Korean War on the same basis as World War I and World War II veterans. Amends TCA Section 49-2-119.

Senator Crutchfield declared Rule 13 on **Senate Bill No. 2614**.

**Senate Bill No. 2614** passed its third and final consideration by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

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A motion to reconsider was tabled.

Senator Crowe moved that **Senate Joint Resolution No. 142** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Crowe moved that **Senate Bill No. 2253** be placed on the calendar for Wednesday, February 11, 2004, which motion prevailed.

Senator Crowe moved that **Senate Bill No. 2252** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

Senator Cooper moved that **Senate Bills Nos. 2664, 2751 and 3110** be referred to the Committee on Environment, Conservation and Tourism, and that the bills be rereferred to the Committee on Commerce, Labor and Agriculture if they are favorably recommended by the Committee on Environment, Conservation and Tourism, which motion prevailed.

**RECALL OF BILL**

On motion of Mr. Speaker Wilder, **Senate Bill No. 3101** was recalled from the Committee on Commerce, Labor and Agriculture.

**REFERRAL**

Mr. Speaker Wilder moved that **Senate Bill No. 3101** be rereferred to the Committee on Judiciary, which motion prevailed.

**RECALL OF BILL**

On motion of Senator Cooper, **Senate Bill No. 2076** was recalled from the Committee on Commerce, Labor and Agriculture.

**WITHDRAWAL OF BILL**

On motion of Senator Cooper, **Senate Bill No. 2076** was withdrawn from the Senate.

**MOTION**

On motion of Senator Graves, her name was added as sponsor of **Senate Bill No. 2114 and House Joint Resolution No. 752**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 177**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 826**.

On motion of Senator Crowe, his name was removed as sponsor of **Senate Bill No. 3042**.

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On motion, all Senators' names were added as sponsors of **Senate Bill No. 2614**.

On motion of Senator McLeary, his name was added as sponsor of **Senate Joint Resolution No. 142**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 2252**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2432 and 2614**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 739; and Senate Joint Resolutions Nos. 740 and 751**.

**ENGROSSED BILLS**

February 9, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2224, 2397, 2401, 2404, 2432 and 2614; and Senate Joint Resolutions Nos. 719, 720, 725, 726 and 727; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

February 9, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 838, 840, 841, 842, 843, 844, 845, 847 and 848; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 9, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2438 and 2822, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 9, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 629, 631, 633, 634 and 635; substituted for House Joint Resolutions on same subject and concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 9, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 706, 707, 708, 709, 712, 714, 716 and 717; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

February 10, 2004

MR. SPEAKER: Your Chief Enrolling Clerk begs leave to report that we have carefully compared Senate Resolution No. 119; and Senate Joint Resolutions Nos. 629, 631, 633, 634, 635, 706, 707, 708, 709, 712, 714, 716 and 717; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Enrolling Clerk.

**MESSAGE FROM THE HOUSE**

February 9, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2189, 2440, 2441 and 2442; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

February 9, 2004

The Speaker announced that he had signed the following: House Bills Nos. 2150, 2189, 2440, 2441 and 2442.

**SIGNED**

February 10, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 119; and Senate Joint Resolutions Nos. 629, 631, 633, 634, 635, 706, 707, 708, 709, 712, 714, 716 and 717.

**MESSAGE FROM THE HOUSE**

February 10, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 629, 631, 633, 634, 635, 706, 707, 708, 709, 712, 714, 716 and 717; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

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**REPORT OF CHIEF ENGROSSING CLERK**

February 10, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 629, 631, 633, 634, 635, 706, 707, 708, 709, 712, 714, 716 and 717; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

February 10, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 700, 701, 703, 704 and 713; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 11, 2004: House Joint Resolutions Nos. 821, 822, 823, 824, 826, 831, 832, 833 and 834; and Senate Joint Resolutions Nos. 730, 731, 732, 735 and 736.

This the 9th day of February, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 11, 2004: Senate Bills Nos. 2416, 2613, 2619 and 2620.

This the 9th day of February, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, February 11, 2004: Senate Bills Nos. 2149, 2236, 2400, 2402, 2403 and 348.

This the 9th day of February, 2004.  
CROWE, Chairperson.

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**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, February 11, 2004, which motion prevailed.